

HL 2. 1993-268 c2

CANADIANA

AUG
AOUT 24 1993

●

Access to
Information
&
Protection of
Privacy Act

●

A Discussion
Guide



Alberta

GOVERNMENT OF ALBERTA

PREMIER'S MESSAGE

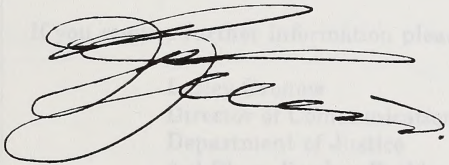
Our government is open, accessible and accountable. We are committed to staying in touch with Albertans and giving them a greater voice in government. To ensure that our government's policy of full disclosure of information is protected in law and to ensure that the privacy of information held by the government about individual Albertans is protected, we are proposing access to information and protection of privacy legislation in Alberta.

I hope that you will read this discussion guide and the copy of the proposed Act. This Act was generated from a careful review of the principles that Albertans share including a desire for open government while at the same time respecting individual privacy.

We are seeking public input to ensure that our government moves in a direction consistent with the views of the people. Our government pledges to listen to you, talk with you and to ensure that an Access to Information and Protection of Privacy Act reflects your desires.

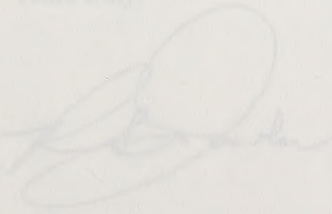
Your further ideas, comments and support are needed for us to achieve a proper balance between providing access to information held by public bodies and providing protection of individual privacy, a value which is highly prized by all Albertans.

Sincerely,



Honourable Ralph Klein
Premier

Yours truly,



Honourable K.S. (Glen) Foster, Q.C.
Minister of Justice and
Attorney General

MINISTER'S MESSAGE

In the 1992 Speech from the Throne the Alberta Government pledged to develop access to information legislation. The protection of the privacy of information held by the government about individual Albertans is an issue that goes hand in hand with providing access to information. We are pleased to present this discussion guide on the proposed Alberta access to information and protection of privacy legislation.

This discussion guide includes a copy of the proposed Act and represents the first stage of our process leading to the enactment of an Access to Information and Protection of Privacy Act.

We are seeking your comments. We would like to hear from you as soon as possible. I encourage you to participate in this consultation process. I assure you that your comments can make a difference in the final Act.

Please send your comments to me:

R.S. (Dick) Fowler, Q.C.
Minister of Justice
and Attorney General
4th Floor, Bowker Building
9833 - 109 Street
Edmonton, Alberta
T5K 2E8

by no later than November 1, 1993 so that we can re-introduce the legislation into the Legislature in a timely manner.

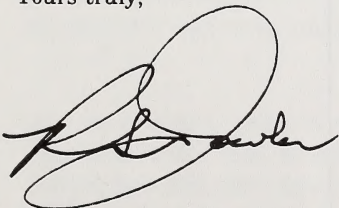
If you require further information please contact:

Lesley Gronow
Director of Communications
Department of Justice
3rd Floor, Bowker Building
9833 - 109 Street
Edmonton, Alberta
T5K 2E8

Telephone Number (403) 427-8530

Your contribution to this process now will ensure the bringing forward of an Access to Information and Protection of Privacy Act that is made by Albertans to meet the needs of Albertans.

Yours truly,



Honourable R.S. (Dick) Fowler, Q.C.
Minister of Justice and
Attorney General

[Redacted]

In the 1992 Speech from the Throne the Alberta Government pledged to develop access to information legislation. The protection of the privacy of information held by the government about individual Albertans is an issue that goes hand in hand with providing access to information. We are pleased to present this discussion guide on the proposed Alberta access to information and protection of privacy legislation.

The discussion guide includes a copy of the proposed Act and represents the first stage of our process leading to the enactment of an Access to Information and Protection of Privacy Act.

We are seeking your comments. We would like to hear from you as soon as possible. I encourage you to participate in this consultative process. I assure you that your comments can make a difference in the final Act.

Please send your comments to me:

[Redacted]

[Redacted]

[Redacted]

Hon. J. D. Fowler, Q.C.
Minister of Justice
and Attorney General
4th Floor, Bowker Building
9833 - 100 Street
Edmonton, Alberta
T5K 2E8

Digitized by the Internet Archive
in 2016

Lesley O'Connell
Director of Communications
Department of Justice
and Attorney General
4th Floor, Bowker Building
9833 - 100 Street
Edmonton, Alberta
T5K 2E8

Telephone Number (403) 427-8330

Your contribution to this process now will ensure the bringing forward of an Access to Information and Protection of Privacy Act that is made by Albertans to meet the needs of Albertans.

[Redacted]

Yours truly,

[Redacted]

Honorable J.S. (Dick) Fowler, Q.C.
Minister of Justice and
Attorney General

DISCUSSION GUIDE

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT

The Access to Information and Protection of Privacy Bill is a major step in ensuring that all Albertans have a single comprehensive access to information scheme that at the same time provides for the protection of privacy of personal information in the hands of the government. This Bill is an important Bill for all of us. We would like to hear from you on what you think about the Bill.

This Discussion Guide is designed to help you in making up your mind on some of the important issues that arise in the Bill.

Two Major Parts To The Bill

There are two major parts to the Bill: Part 1 dealing with access to information held by the government and Part 2 dealing with rules concerning the protection of privacy of personal information held by the government.

Fundamental Principles

There are five fundamental principles that provide the building blocks upon which the Bill is based. These are:

- (1) To allow a right of access to any person to the records in the custody and control of the government subject only to limited and specific exceptions;
- (2) To control the manner in which the government may collect personal information from individual Albertans; to control the use that the government may make of that information; and to control the disclosure by government of such information;
- (3) To allow individuals, subject to limited and specific exceptions, the right to have access to information about themselves held by the government;
- (4) To allow individuals the right to request

corrections to information about themselves held by the government; and

- (5) To provide an independent review of decisions made by the government under the legislation.

It is from these principles the Bill has been developed and it is in this light that its provisions can be examined more closely.

What Does The Bill Apply To?

Provisions of the Bill affect all records, whether they be written records, photographic records or any other record recorded or stored in any way (see the definition of "record" s. 1(k)) that are in the custody or control of the government.

There are some limited exceptions that the Bill does not apply to. These exceptions are for records that either are available outside of the Bill such as those found on court files, information now currently available in a registry such as the one found at the Land Titles Office or information which we wouldn't normally think should be available such as personal notes or draft decisions of Judges and persons exercising similar powers. (s. 2(1))

Although the Bill sets out a single scheme for access to government records it does not replace other existing procedures that we might have been using in the past or limit in any way access to government information normally available to the public. It will provide a procedure where none existed before. (s.2 (2))

Also within two years of the coming into force of the Bill, provisions must be made by public bodies to allow inspection of manuals, handbooks or other guidelines used by public servants in the decision-making processes affecting the public. (s. 73)

Finally, there may be other existing Acts that prohibit or restrict access to information. These Acts will override this Bill for a period of two years, after which this Bill will prevail. This two year period is to allow a careful study to be made of other legislation to see whether their provisions are necessary

or not in light of this legislation. (s. 3)

What are your thoughts on what the Bill applies to?

What Public Bodies Are Covered By The Bill?

This is an important question and we would like to have your views on it. We are all familiar with government departments. The Bill will apply to them. But there are other public bodies that the Bill should also apply to. In the Bill we have provided that agencies, boards, commissions, corporations, offices or other bodies may be made subject to its provisions by regulation. We could in the alternative provide that these additional public bodies be made a part of the Bill to be passed by the Legislative Assembly by noting them in a schedule to the Bill.

What do you think?

To help you in this review some other provinces have based their decision on whether the public body is wholly funded through the General Revenue Fund of the province or whether the government has control, either through ownership or through a power to appoint members of the governing authority of the body.

There are other bodies that have a significant impact on the public of Alberta. It is the government's intention to have other public bodies such as the following institutions be subject to access and protection of privacy legislation:

- Local Governments including counties, cities, towns and villages
- Local school boards
- Hospital boards
- Local boards of health
- Universities, public colleges and technical institutions

We intend to consult with these institutions about their

views on the following questions:

- Should these institutions be included in this legislation;
- Should these institutions be subject to their own legislation; or
- Should we wait and see what the experience is with this legislation before proceeding further with extending this type of legislation to these institutions?

We are interested too on your thoughts on these questions.

In considering these questions it is of interest to note, for instance, that in the proposed Municipal Government Act, Bill 51, a separate regime is proposed for access to information held by a municipality. (ss. 150 to 152 of Bill 51)

We value your opinion on this subject.

Obtaining Access To Records

The first fundamental principle of the Bill concerns access to government records. Anyone may request access to a record. To obtain access to a record the applicant requester will make a request to the department or other public body that he or she believes has custody or control of it. (s. 5(1)) To assist in finding the appropriate body, a Directory of public records is to be developed by the government.(s. 72)

Applications would be made on a simple form, with the applicant providing as much detail as possible about the record to enable the public body to find it. (s. 5(2))

Sometimes only a part of a record is accessible because of the exceptions from disclosure under the Bill. A public body must release as much of the record as it can so long as the disclosed portions of the record can reasonably be severed from the excepted portions. (s. 4(2))

A request must be responded to within 30 days unless the time limit has been extended or the request is transferred to a more appropriate public body for response. (ss. 6, 9 and 10)

A critical part of the access process is the rules setting out how a public body must respond to an applicant. An applicant must be told whether or not access will be given and if access will be given, when and how it will be given. If access is refused, the applicant must be given reasons for the refusal as well as the name and address of a person who can answer questions about the refusal. The applicant must be told too that he or she may request a review of the decision. (s. 7) Only in very limited cases may a public body refuse to confirm or deny the existence of a record. (s. 7(2))

Where access is to be granted, a public body must provide a copy of the record where it is requested, if the copy can normally be reproduced and to do so will not unreasonably interfere with the public body's operations. (s. 8)

A fee will be required for services provided to an applicant such as for locating, retrieving and producing the record, preparing the record for disclosure, shipping and providing a copy of it. The public body, though, must provide an estimate of those fees before providing those services. Fees will be prescribed by regulation. (s. 47)

Is this process appropriate?

Exceptions to Disclosure

Every access to information scheme recognizes that an absolute rule of openness with respect to government records would impair the ability of government to discharge its responsibilities effectively. This philosophy is reflected in this Bill by very specific and limited exceptions to the general rule of public access to government-held information. (ss. 11 to 22) In this vein too and in recognition of the traditional notion of collective ministerial responsibility, confidences of the Executive Council and of Treasury Board are not subject to the Act. (s. 2(1)(g))

Most of the exceptions, though, are discretionary allowing a public body through its head or designated official, to release or withhold information. Only with respect to three

What Are The Exceptions To Access?

very important exceptions must a public body refuse access to records where the record concerns:

- commercial information of a third party (s. 11) (a third party being someone other than the applicant or a public body (s.1(1));
- personal information about a third party (s. 12); and
- law enforcement information, but only if federal law would make it an offence to release the information (s. 15(3)).
- Disclosure of third party commercial information (s. 11)

This exception applies to third party trade secrets or financial, commercial, scientific, technical or labour relations information obtained in confidence or that is of a confidential nature. It also includes information that could result in undue financial loss or gain to anyone, prejudice a third party's competitive position, interfere with contractual or other negotiations with a third party and so on. However, a public body may disclose this information if the third party consents or any other law allows disclosure.

- Disclosure of personal information that is an unreasonable invasion of a third person's privacy (s. 12)

A public body must refuse disclosure that would be an unreasonable invasion of a third party's personal privacy. The Bill sets out specific situations where that is presumed, such as where the personal information is medical information, relates to income assistance, employment or educational history, was obtained on a tax return and so on. (s. 12(2)) It is recognized, however, that there are situations where we might all

agree that personal information should be accessible such as where the third party consents in writing, a law authorizes disclosure, the information concerns salary ranges or classification of public employees and so on. (s. 12(3))

- Where disclosure could reasonably be expected to threaten a person's health or safety. (s. 13)
- Confidential evaluative or opinion material compiled solely to determine a person's suitability, eligibility or qualifications for employment, government contracts or other benefits. (s. 14)
- Disclosure harmful to law enforcement (s. 15)

Specific and limited exceptions are set out for law enforcement information that is subject to the section. Law enforcement is defined to include not only policing but also situations where an investigation or proceeding could lead to a penalty or sanction being imposed. (s. 1(e)) This would include most investigations or proceedings of a regulatory nature.

Most of the provisions of this exception are subject to discretionary disclosure by the public body except as noted where a federal law makes it an offence for a record of this nature to be disclosed. (s. 15(3))

Reports of routine inspections or statistical reports are not covered by the exception. (s. 15(4))

- Disclosure harmful to intergovernmental relations (s. 16)

Disclosure may only occur where the consent of the Minister responsible for the Bill, in consultation with the Cabinet, is given unless the information relates to confidential information

received from another government and that other government consents to its disclosure.

- Advice from officials (s. 17)

This exception recognizes that there is a public interest in not permitting free access to records relating to policy development and decision-making in the public service. It recognizes that there must be candid discussions, deliberations and the like in order for the workings of government not to be impaired.

It should be noted that there are a number of situations where the exception does not apply such as where the information is over 25 years old; the information relates to reasons given by a public body in the exercise of a discretionary power or judicial function; in some cases where the information is the result of product or environmental testing or is a statistical survey; the information is scientific or technical background research and the like. (s. 17(2))

- Commercial information of a public body (s. 18)

This exception mirrors in many ways the commercial exception that applies to third parties. The exception, however, does not apply to certain product or environmental testing results. (s. 18(2))

- Testing or audit procedures and details of specific tests or audits to be conducted (s. 19)

This exception is limited to only those situations where disclosure can reasonably be expected to prejudice the use or results of particular tests or audits.

- Privileged information (s. 20)

This exception is designed to ensure that information of a privileged legal nature is

protected much like it would be for any citizen of the province.

- Disclosure harmful to heritage sites and endangered forms of life (s. 21)

The preservation of such things as fossil sites, heritage sites and rare and endangered forms of life is an important public concern. This exception applies only where the disclosure of information could reasonably be expected to result in damage to the site or the life form or to the conservation of them.

- Information available to the public and information to be available at a future date (s. 22)

Often many records that may be the subject of an application under the Bill are already available to the public or are about to be made available to the public. Additional expense and efforts by a public body might follow if a request for access under this Bill were allowed.

What are your thoughts on the exceptions contained in the Bill?

Rights Of Third Parties

On a number of occasions a record request may involve information about a third party. This is especially so when it involves third party personal information and third party commercial information. As indicated earlier, a third party is someone other than an applicant or a public body. (s. 1(1)) The Bill tries to strike a balance between the interests of the third party and the rights of an applicant.

The head of a public body is required to notify the third party and provide the third party with a copy of the record if the head is considering giving access to information that may fall under the exceptions dealing with third party commercial information or third party personal privacy. The third party must within 60 days consent to the disclosure or make representations explaining why the disclosure should not be

The Independent Third Party Review

made. (s. 23(2)) The applicant must also be given notice that third party interests may be affected. (s. 23(4))

A decision as to whether or not disclosure will be given must be made within 90 days of the notice to the third party. Both the third party and the applicant are notified of the decision to be taken. If it is proposed to release the record, the third party has 30 days to ask for a review of the decision. A similar time period exists for the applicant to ask for a review if the public body decides not to give access to a record. (s. 24)

Is the proper balance struck between the interests of third parties and the rights of applicants?

Another of the fundamental principles of the Bill is the provisions for the appointment of an independent Information and Privacy Commissioner. (Part 4) The Commissioner is required to receive complaints, investigate those complaints where warranted and make recommendations to the public body in connection with the complaint. In many ways the Commissioner acts much like the Ombudsman who has safeguarded the rights of Albertans for many years.

Both an applicant and a third party may ask for a review: the applicant in connection with any decision, act or failure to act by the head of a public body; a third party in connection with any decision made by the head. (s. 26)

Within 30 days after the decision of a head, a written request for review must be made to the Commissioner. (s. 27) Comprehensive rules are provided in the Bill to regulate the conduct of a review. (ss. 30 to 32) On completion of a review, written recommendations are made by the Commissioner and sent to the person requesting the review and the public body. (s. 33)

Within 30 days of receiving these recommendations the public body must make a decision whether or not to follow the recommendations and must give a written notice of its decision to the Commissioner and the person who requested the review. (s. 34)

An applicant or a third party may apply for a further

review to the Court of Queen's Bench. (ss. 35 and 36) The Court after hearing the matter must, if it finds that a public body is required to give access to a record, order that access be given. If the Court finds that a public body is required to refuse access, it must order the public body not to give access. (s. 37)

What are your thoughts on this process?

Protection of Privacy

The Bill recognizes the extreme importance that Albertans place on the privacy of information about themselves that may be in the hands of a public body. The remaining fundamental principles of the Bill are directed at ensuring that these desires of Albertans are met yet at the same time balancing the legitimate needs of government and others. Personal information is extensively defined in the Bill. (s. 1(h)) Division 1 of Part 2 provides rules as to how and for what purpose public bodies can collect personal information. Regulation of the use of personal information by public bodies and the right of an individual to seek correction of personal information is found in Division 2 of Part 2. Disclosure of personal information to the person the information is about is regulated by the access provisions of the Bill. Disclosure of personal information to public authorities, for research purposes and for other cases are regulated by Division 3 of Part 2 of the Bill.

What Are The Rules On Collection Of Personal Information?

Personal information cannot be collected by a public body from an individual unless it is authorized by an Act or a regulation; it relates to law enforcement; or it is necessary for an existing or proposed program or activity of a public body. In the case of a proposed program or activity of a public body collection of personal information must be approved by the head in consultation with Executive Council. (s. 38) The individual, except in certain defined cases, must be told of the purpose of the collection and the specific legal authority for the collection. (s. 39(2))

Personal information must be collected from the individual it concerns where reasonably practicable except in certain specifically defined circumstances such as where it is authorized under an Act, it is collected for the purpose of law

enforcement and so on. (s. 39)

There is also a positive duty placed on public bodies to ensure that suitable security arrangements are maintained for personal information in their possession. (s. 40)

Are the collection provisions acceptable?

A public body may only use personal information it collects from individual Albertans for the purpose for which it was obtained or for a consistent purpose; for another purpose with the consent of the individual or for purposes allowed under the disclosure sections of the Bill. (s. 41)

Every reasonable effort must be made by a public body to ensure the information it uses is accurate and complete. (s. 42 (b)) It is a fundamental principle that an individual has a right to request a correction of information that the individual believes may contain an error or omission. The public body must either make the correction or at least make note of the request and notify the individual concerned within 30 days. (s. 43) Because of this right and the individual's right to access to information about himself or herself, a public body must retain information it uses for at least one year after it has been used. (s. 42(a))

Do you agree with these provisions?

Specific rules are set out in the Bill to ensure that an individual's personal information is not disclosed beyond what is required for the proper operations of government, the legitimate interests of researchers and others.

Firstly, under the access provisions of the Bill there are, as noted earlier, significant limitations on third parties obtaining access to the personal information of another individual. (s. 12)

Section 45, secondly, provides for specific and limited situations where one public body may disclose personal information to another public authority such as to assist in law enforcement matters. Only in other very restricted situations

What Use Can Be Made Of Personal Information?

What Are The Rules About Disclosure Of Personal Information?

may personal information be disclosed such as where it is used for a purpose consistent with the original purpose for which the information was collected, or where the individual consents to disclosure, for the purposes of complying with court orders, for complying with the laws of Canada or where disclosure is necessary to protect the health or safety of any individual.

Finally, disclosure for research purposes is rigorously constrained in section 46 by requiring researchers to show that

- their research cannot be accomplished without individual-specific information;
- there is a public interest in any record linkage that might occur and this will not harm the individuals concerned;
- appropriate security arrangements are made for its use and disclosure; and
- they have signed agreements requiring them to comply with these and other conditions regarding disclosure.

Are the disclosure rules acceptable?

- How notice is to be given under the Bill (s. 48)
- How a right of an individual can be exercised by someone else such as a guardian, trustee or personal representative (s. 49)
- Authorization by the Commissioner to disregard requests that among other things are frivolous or vexatious or amount to an abuse of the right to access (s. 50)
- Rules governing proceedings against the government, a public body, the Commissioner or their officers and employees (ss. 51 and 52)

What Else Is In The Bill

- Rules concerning the confidentiality of information in the hands of the Commissioner (s. 53)
- A protection to the Commissioner from being compelled to give evidence in court (s. 54)
- Immunity from prosecution for complying with a requirement or recommendation of the Commissioner (s. 55)
- Offences under the Bill (s. 56)
- Clarification of the role of the Commissioner and that of the Ombudsman (s. 57)
- The Bill binds the Crown (s. 58)
- Appointment of the Commissioner including an enumeration of his general powers (ss. 59 to 69)
- Annual Report by the Commissioner to the Legislative Assembly (s. 70)
- A power of delegation in the head of a public body to allow someone else to carry out his duties under the Bill (s. 71)
- A regulation making power (s. 74)
- Consequential amendments and the coming into force of the Bill (ss. 75 to 80)

Do you have any comments on these sections?

One Final Note

Albertans have told us that they want access to information and protection of privacy legislation. Experience in other jurisdictions indicates that there will be costs associated with the implementation of this legislation. Departments and other public bodies will need to be able to properly respond to requests for information and will need to be able to comply with the privacy provisions of the legislation. In addition, as a fundamental principle of the Bill, there will be a need for an

Conclusion

independent third party review process. All of this will no doubt attract some costs. We will make every effort to ensure that these costs are kept to a minimum consistent with desires of Albertans for an efficient and effective access to information and protection of privacy regime.

We would like to hear from you on the issues raised in this Discussion Guide or any others that you wish to address. This is an important piece of legislation for all Albertans. Your comments can make a difference.

PLEASE SEND YOUR COMMENTS TO:

Honourable R. S. (Dick) Fowler, Q.C.
Minister of Justice and Attorney General
4th Floor, Bowker Building
9833 - 109 Street
EDMONTON, Alberta
T5K 2E8

1992-93 BILL 61

Fourth Session, 22nd Legislature, 42 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 61

**ACCESS TO INFORMATION AND
PROTECTION OF PRIVACY ACT**

THE PREMIER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 61

1992-93

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT

(Assented to , 1993)

Table of Contents

| | |
|----------------------------|---|
| Definitions | 1 |
| Scope of the Act | 2 |
| Relationship to other Acts | 3 |

Part 1

Access to Information

Division 1

Obtaining Access to Records

| | |
|---|----|
| Right of access | 4 |
| How to make a request | 5 |
| Time limit for responding | 6 |
| Contents of response | 7 |
| How access will be given | 8 |
| Extending the time limit for responding | 9 |
| Transferring a request | 10 |

Division 2

Exceptions to Disclosure

| | |
|--|----|
| Business interests of third party | 11 |
| Personal privacy of third party | 12 |
| Disclosure harmful to individual safety | 13 |
| Confidential evaluations | 14 |
| Disclosure harmful to law enforcement | 15 |
| Disclosure harmful to intergovernmental relations | 16 |
| Advice from officials | 17 |
| Economic and other interests of public bodies | 18 |
| Testing procedures, tests and audits | 19 |
| Privileged information | 20 |
| Disclosure harmful to the conservation of heritage sites, etc. | 21 |
| Information that is or will be available to the public | 22 |

Division 3
Third Party Intervention

| | |
|-----------------------------------|----|
| Notifying the third party | 23 |
| Time limit and notice of decision | 24 |

Division 4
Review and Appeal

| | |
|------------|----|
| Definition | 25 |
|------------|----|

Review by Commissioner

| | |
|----------------------------|----|
| Right to ask for a review | 26 |
| How to ask for a review | 27 |
| Notifying others of review | 28 |
| Review by Commissioner | 29 |
| Conduct of review | 30 |
| Duty to establish evidence | 31 |
| Power of Commissioner | 32 |
| Commissioner to report | 33 |
| Decision of head | 34 |

Appeal to Court of Queen's Bench

| | |
|---------------------------|----|
| Appeal procedure | 35 |
| Powers of Court on appeal | 36 |
| Decisions of Court | 37 |

Part 2
Protection of Privacy

Division 1
Collection of Personal Information

| | |
|--------------------------------------|----|
| Purpose of collection of information | 38 |
| Manner of collection of information | 39 |
| Protection of personal information | 40 |

Division 2
Use of Personal Information

| | |
|-----------------------------|----|
| Use of personal information | 41 |
| Duties of a public body | 42 |
| Right of correction | 43 |

Division 3
Disclosure of Personal Information

| | |
|---|----|
| Disclosure in accordance with Part 1 or this Division | 44 |
| When personal information may be disclosed | 45 |
| Disclosure for research | 46 |

Part 3
General

| | |
|--|----|
| Fees | 47 |
| Manner of giving notice | 48 |
| Exercise of rights by other persons | 49 |
| Power to authorize a public body to disregard requests | 50 |
| Proceedings prohibited | 51 |
| Proceedings involving Commissioner prohibited | 52 |
| Confidentiality | 53 |
| Non-compellability | 54 |
| Immunity from prosecution | 55 |
| Offences | 56 |
| Role of Ombudsman | 57 |
| Crown bound | 58 |

Part 4
Administration

| | |
|------------|----|
| Definition | 59 |
|------------|----|

Division 1
Information and Privacy Commissioner

| | |
|--|----|
| Appointment of Commission | 60 |
| Term of office | 61 |
| Resignation, removal or suspension of Commissioner | 62 |
| Acting Commissioner | 63 |
| Remuneration | 64 |
| Oath | 65 |
| Office of the Commissioner | 66 |
| Financing of operations | 67 |
| Delegation by Commissioner | 68 |
| General powers of Commissioner | 69 |
| Annual report | 70 |

Division 2
Other Matters

| | |
|--|----|
| Authorization | 71 |
| Directory of public bodies and records | 72 |
| Access to manuals | 73 |
| Regulations | 74 |

Part 5
Consequential and Commencement

| | |
|--------------------------|-------|
| Consequential amendments | 75-79 |
| Coming into force | 80 |

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

1 In this Act,

- (a) “applicant” means a person who applies for access to a record pursuant to section 5;
- (b) “Commissioner” means the Information and Privacy Commissioner appointed pursuant to Part 4;
- (c) “employee”, in relation to a public body, includes a person retained under contract to perform services for the public body;
- (d) “head”, in relation to a public body, means
 - (i) if the public body is a department, branch or office of the Government of Alberta, the member of the Executive Council who presides over it, and
 - (ii) in any other case, the person designated in the regulations as the head of the public body;
- (e) “law enforcement” includes
 - (i) policing, including intelligence operations,
 - (ii) investigations that lead or could lead to the imposition of a penalty or sanction, and
 - (iii) proceedings that lead or could lead to the imposition of a penalty or sanction;
- (f) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (g) “offence” means an offence under an Act or regulation of Alberta or Canada;
- (h) “personal information” means information about an identifiable individual, including
 - (i) the individual’s name, home or business address or home or business telephone number;
 - (ii) the individual’s race, religious beliefs, colour, gender, age, ancestry or place of origin;
 - (iii) an identifying number, symbol or other particular assigned to the individual;

- (iv) the individual's fingerprints, blood type or inheritable characteristics;
 - (v) information about the individual's health and health care history, including information about a physical or mental disability;
 - (vi) information about the individual's educational, financial, criminal or employment history;
 - (vii) anyone else's opinions about the individual;
 - (viii) the individual's personal opinions, except if they are about someone else;
- (i) "prescribed" means prescribed by the regulations;
 - (j) "public body" means
 - (i) a department, branch or office of the Government of Alberta,
 - (ii) an agency, board, commission, corporation, office or other body designated in the regulations, or
 - (iii) the office of the Auditor General, the Ombudsman or the Chief Electoral Officer,
 but does not include
 - (iv) the Legislative Assembly Office or the office of a member of the Legislative Assembly or a member of the Executive Council,
 - (v) a treasury branch, or
 - (vi) the office of the Commissioner or the Ethics Commissioner;
 - (k) "record" means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include computer programs or other mechanisms that produce records;
 - (l) "third party" means a person other than an applicant or a public body;
 - (m) "trade secret" means information, including a formula, pattern, compilation, program, device, product, method, technique or process, that

- (i) is used, or may be used, in business or for any commercial advantage,
- (ii) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use,
- (iii) is the subject of reasonable efforts to prevent it from becoming generally known, and
- (iv) the disclosure of which would result in harm or improper benefit.

Scope of the Act

2(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

- (a) a record made from information in a court file, a record of a judge of the Court of Appeal, the Court of Queen's Bench, the Surrogate Court or the Provincial Court or a record of a master of the Court of Queen's Bench;
- (b) a personal note, communication or draft decision of a person who is acting in a judicial or quasi-judicial capacity;
- (c) a question that is to be used on an examination or test;
- (d) a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed;
- (e) material placed in the Provincial Archives of Alberta by or for a person other than a public body;
- (f) a record made from information in a registry operated by a public body where public access to the registry is normally permitted;
- (g) information that would reveal a confidence of the Executive Council or the Treasury Board, including
 - (i) advice, proposals, requests for directions, recommendations, analyses or policy options prepared for presentation to the Executive Council or the Treasury Board,
 - (ii) the contents of agendas or minutes of the Executive Council or the Treasury Board or deliberations or decisions of the Executive Council or the Treasury Board,

- (iii) consultations among members of the Executive Council or the Treasury Board on matters that relate to the making of government decisions or the formulation of government policy, and
- (iv) briefings to members of the Executive Council or the Treasury Board in relation to matters that
 - (A) are before, or are proposed to be brought before, the Executive Council or the Treasury Board, or
 - (B) are the subject of consultations described in subclause (iii).

(2) This Act

- (a) is in addition to and does not replace existing procedures for access to government information or records,
- (b) does not in any way limit access to government information or records normally available to the public,
- (c) does not limit the information otherwise available by law to a party to legal proceedings,
- (d) does not affect the power of any court or tribunal to compel a witness to testify or to compel the production of documents, and
- (e) does not prohibit the transfer, storage or destruction of any record in accordance with any other Act or any regulation.

Relationship to other Acts

3(1) The head of a public body must refuse to disclose information to an applicant if the disclosure is prohibited or restricted by another Act or a regulation under another Act.

(2) If a provision of this Act is inconsistent or in conflict with a provision of another Act or a regulation under another Act, the provision of this Act prevails unless

- (a) the other Act, or
- (b) a regulation under this Act

expressly provides that the other Act or regulation, or a provision of it, prevails despite this Act.

(3) Two years after section 4 comes into force, subsection (1) is repealed and subsection (2) comes into force.

PART 1

ACCESS TO INFORMATION

Division 1

Obtaining Access to Records

Right of access

4(1) Every person who makes a request under section 5 has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record is subject to the payment of any required fee.

How to make a request

5(1) To obtain access to a record, an applicant must make a request to the public body that the applicant believes has custody or control of the record.

(2) The request must be in writing and must provide enough detail to enable the public body to identify the record.

(3) The applicant may ask for a copy of the record or ask to examine the record.

Time limit for responding

6(1) The head of a public body must respond not later than 30 days after a request is received unless

(a) the time limit is extended under section 9, or

(b) the request has been transferred under section 10 to another public body.

(2) The failure of the head to respond to a request in time is to be treated as a decision to refuse access to the record.

Contents of response

7(1) In a response under section 6, the applicant must be told

(a) whether or not the applicant is entitled under this Act to access to the record or to part of the record,

(b) if the applicant is entitled to access, where, when and how access will be given, and

- (c) if access to the record or to part of the record is refused,
 - (i) the reasons for the refusal and the provision of this Act on which the refusal is based,
 - (ii) the name, title, office address and office telephone number of an officer or employee of the public body who can answer the applicant's questions about the refusal, and
 - (iii) that the applicant may ask for a review under section 26.

(2) Despite subsection (1), the head of a public body may refuse to confirm or deny the existence of a record containing information described in section 13 or 15.

How access will be given

8(1) If an applicant is told under section 7(1) that access will be given, the head of the public body concerned must comply with this section.

- (2) When the applicant has asked for a copy of a record, if
 - (a) the record, or the part of it to which access will be given, can be reasonably reproduced by the public body using its normal equipment and expertise, and
 - (b) creating the copy would not unreasonably interfere with the operations of the public body,

the copy must be provided with the response or the applicant must be given reasons for the delay in providing the copy.

(3) When an applicant has asked to examine a record or when a copy is not being provided pursuant to subsection (2), the applicant must

- (a) be permitted to examine the record or part of the record, or
- (b) be given access in accordance with the regulations.

(4) Despite subsections (2) and (3), access to personal information about an applicant's physical or mental health may be given only in a manner authorized by the regulations.

Extending the time limit for responding

9(1) The head of a public body may extend the time for responding to a request for a reasonable period if

- (a) the applicant does not give enough detail to enable the public body to identify a requested record.
 - (b) a large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the public body,
 - (c) more time is needed to consult with a third party or another public body before the head can decide whether or not the applicant is entitled under this Act to access to a requested record, or
 - (d) a third party asks for a review under section 26.
- (2) If the time is extended under subsection (1), the head of the public body must tell the applicant as soon as practicable
- (a) the reason for the extension,
 - (b) when a response can be expected, and
 - (c) that the applicant may ask for a review of the extension under section 26.

Transferring a request

10(1) After a request for access to a record is received by a public body, the head of the public body may transfer the request and, if necessary, the record to another public body if

- (a) the record was produced by or for the other public body,
 - (b) the other public body was the first to obtain the record, or
 - (c) the record is in the custody or under the control of the other public body.
- (2) If a request is transferred to another public body,
- (a) the head of the public body who transferred the request must notify the applicant of the transfer as soon as possible, and
 - (b) the head of the public body to which the request is transferred must respond to the applicant in accordance with section 7 not later than 30 days after the request is received by that public body unless this time limit is extended under section 9.

Division 2 Exceptions to Disclosure

Business
interests of
third party

11(1) The head of a public body must refuse to disclose to an applicant

- (a) information that would reveal trade secrets of a third party,
 - (b) financial, commercial, scientific, technical or labour relations information
 - (i) obtained in confidence, explicitly or implicitly, from a third party, or
 - (ii) that is of a confidential nature and was supplied by a third party in compliance with a lawful requirement,
 - (c) information the disclosure of which could reasonably be expected to
 - (i) result in undue financial loss or gain to any person,
 - (ii) prejudice the competitive position of a third party,
 - (iii) interfere with contractual or other negotiations of a third party, or
 - (iv) result in similar information not being supplied to a public body,
 - (d) information about a third party obtained on a tax return or gathered for the purpose of determining tax liability or collecting a tax,
 - (e) a statement of a financial account relating to a third party with respect to the provision of routine services from a public body,
 - (f) a statement of financial assistance provided to a third party by a prescribed Crown corporation or board, or
 - (g) information supplied by a third party to support an application for financial assistance mentioned in clause (f).
- (2)** Despite subsection (1), a head may disclose information described in subsection (1)
- (a) with the written consent of the third party to whom the information relates, or

- (b) if an Act or regulation of Alberta or Canada authorizes or requires the disclosure.

Personal
privacy of third
party

12(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

- (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,
- (b) the personal information was compiled and is identifiable as part of an investigation into a possible contravention of law, except to the extent that disclosure is necessary to prosecute the contravention or continue the investigation,
- (c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,
- (d) the personal information relates to employment or educational history,
- (e) the personal information was obtained on a tax return or gathered for the purpose of collecting a tax,
- (f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations,
- (g) the personal information consists of the third party's name when
 - (i) it appears with other personal information about the third party, or
 - (ii) the disclosure of the name itself would reveal personal information about the third party,

or

- (h) the personal information indicates the third party's race, religious beliefs, colour, gender, age, ancestry or place of origin.

(3) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

- (a) the third party has, in writing, consented to or requested the disclosure,
- (b) there are compelling circumstances affecting anyone's health or safety and notice of the disclosure is mailed to the last known address of the third party,
- (c) an Act of Alberta or Canada authorizes or requires the disclosure,
- (d) the disclosure is for research purposes and is in accordance with section 46,
- (e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,
- (f) the disclosure reveals details of a licence, permit or other similar discretionary benefit granted to the third party by a public body, but not personal information supplied in support of the application for the benefit,
- (g) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body, but not personal information supplied in support of the application for the benefit or that is referred to in subsection (2)(c), or
- (h) the disclosure reveals financial and other details of a contract to supply goods or services to a public body.

Disclosure harmful to individual safety

13(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to threaten anyone else's mental or physical health or safety.

(2) The head of a public body may refuse to disclose to an applicant personal information about the applicant if the disclosure could reasonably be expected to threaten the applicant's mental or physical health or safety.

Confidential evaluations

14 The head of a public body may refuse to disclose to an applicant personal information that is evaluative or opinion material compiled solely for the purpose of determining the applicant's suitability, eligibility or qualifications for employment or for the awarding of government contracts or other benefits when the information is provided, explicitly or implicitly, in confidence.

Disclosure
harmful to law
enforcement

15(1) The head of a public body may refuse to disclose information to an applicant if there is a reasonable possibility that disclosure could

- (a) harm a law enforcement matter,
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada or harm the detection, prevention or suppression of espionage, sabotage or terrorism,
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,
- (d) reveal the identity of a confidential source of law enforcement information,
- (e) deprive a person of the right to a fair trial or impartial adjudication,
- (f) reveal a record that has been confiscated from a person by a peace officer in accordance with a law,
- (g) facilitate the escape from custody of an individual who is being lawfully detained,
- (h) facilitate the commission of an unlawful act or hamper the control of crime,
- (i) reveal technical information relating to weapons or potential weapons,
- (j) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system, or
- (k) reveal information in a correctional record supplied, explicitly or implicitly, in confidence.

(2) The head of a public body may refuse to disclose information to an applicant if the information

- (a) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or an individual who has been quoted or paraphrased in the record; or
- (b) is about the history, supervision or release of an individual who is under the control or supervision of a correctional

authority and the disclosure could reasonably be expected to harm the proper control or supervision of that individual.

(3) The head of a public body must refuse to disclose information to an applicant if the information is in a law enforcement record and the disclosure would be an offence under an Act of Canada.

(4) Subsections (1) and (2) do not apply to

- (a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act, or
- (b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (2).

Disclosure
harmful to
intergovern-
mental
relations

16(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

- (a) harm relations between the Government of Alberta and any of the following or their agencies:
 - (i) the Government of Canada or a province or territory of Canada;
 - (ii) the council of a municipality or Metis settlement, the board of administrators of a new town, a hospital board, a university, public college or school board or another local authority;
 - (iii) the government of a foreign state;
 - (iv) an international organization of states,

or

- (b) reveal information received, explicitly or implicitly, in confidence from a government, local authority or organization listed in clause (a) or its agency.

(2) The head of a public body may disclose information referred to in subsection (1)(a) only with the consent of the Minister in consultation with the Executive Council.

(3) The head of a public body may disclose information referred to in subsection (1)(b) only with the consent of the government,

local authority or organization that supplied the information or its agency.

(4) This section does not apply to information that has been in existence in a record for 25 or more years.

Advice from
officials

17(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal

- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council,
- (b) consultations or deliberations involving
 - (i) officers or employees of a public body,
 - (ii) a member of the Executive Council, or
 - (iii) the staff of a member of the Executive Council,
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations,
- (d) plans that relate to the management of personnel or the administration of a public body that have not yet been implemented,
- (e) the contents of draft legislation, regulations and orders,
- (f) the contents of agendas or minutes of meetings of an agency, board, commission, corporation, office or other body that is a public body, or
- (g) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

(2) This section does not apply to information that

- (a) has been in existence for 25 or more years,
- (b) is a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function,

- (c) is the result of product or environmental testing carried out by or for a public body, unless the testing was done
 - (i) for a fee as a service to a person other than a public body, or
 - (ii) for the purpose of developing methods of testing or testing products for possible purchase,
- (d) is a statistical survey,
- (e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal,
- (f) is an instruction or guideline issued to the officers or employees of a public body, or
- (g) is a substantive rule or statement of policy that has been adopted by a public body for the purpose of interpreting an Act or regulation or administering a program or activity of the public body.

Economic and other interests of public bodies

18(1) The head of a public body may refuse to disclose to an applicant information the disclosure of which could reasonably be expected to harm the economic interest of the Government of Alberta or a public body or the ability of the Government to manage the economy, including the following:

- (a) trade secrets of the Government of Alberta or a public body;
- (b) financial, commercial, scientific, technical or other information in which the Government of Alberta or a public body has a proprietary interest or a right of use and that has monetary value or is reasonably likely to have monetary value;
- (c) information the disclosure of which could reasonably be expected to
 - (i) result in financial loss to,
 - (ii) prejudice the competitive position of, or
 - (iii) interfere with contractual or other negotiations of,
 the Government of Alberta or a public body;

(d) scientific or technical information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee or public body of priority of publication.

(2) A head may not refuse, under subsection (1), to disclose the results of product or environmental testing carried out by or for a public body, except when the testing was done

(a) for a fee as a service to a person other than a public body, or

(b) for the purpose of developing methods of testing or testing products for possible purchase.

Testing
procedures,
tests and
audits

19 The head of a public body may refuse to disclose to an applicant information relating to

(a) testing or auditing procedures or techniques, or

(b) details of specific tests to be given or audits to be conducted,

if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.

Privileged
information

20 The head of a public body may refuse to disclose to an applicant

(a) information that is subject to any type of legal privilege, including solicitor-client privilege,

(b) information prepared by or for an agent or lawyer of the Minister of Justice and Attorney General or a public body in relation to a matter involving the provision of legal services, or

(c) information in correspondence between an agent or lawyer of the Minister of Justice and Attorney General or a public body and any other person in relation to a matter involving the provision of advice or other services by the agent or lawyer.

Disclosure harmful to the conservation of heritage sites, etc.

21 The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to result in damage to or interfere with the conservation of

- (a) fossil sites, natural sites or sites that have an anthropological or heritage value, or
- (b) any rare, endangered, threatened or vulnerable form of life.

Information that is or will be available to the public

22(1) The head of a public body may refuse to disclose to an applicant information that is available to the public or is required to be made available at a future date, whether or not for a fee.

(2) If the head of a public body refuses to disclose information pursuant to subsection (1), the head must inform the applicant of where the information is or will be available.

Division 3 Third Party Intervention

Notifying the third party

23(1) When the head of a public body is considering giving access to a record that may contain information

- (a) that affects the interests of a third party under section 11, or
- (b) the disclosure of which would be an unreasonable invasion of a third party's personal privacy under section 12,

the head must, where practicable and as soon as practicable, give written notice to the third party in accordance with subsection (2).

(2) The notice must

- (a) state that a request has been made for access to a record that may contain information the disclosure of which would affect the interests or invade the personal privacy of the third party,
- (b) describe the contents of the record,
- (c) state that, within 60 days after the notice is given, the third party may, in writing, consent to the disclosure or make representations to the public body explaining why the information should not be disclosed, and
- (d) include a copy of the record or part of it containing the information in question.

(3) When, in the opinion of the head, it is not practicable to provide notice to a third party under subsection (1), the head may dispense with the giving of notice.

(4) When notice is given under subsection (1), the head of the public body must also give the applicant a notice stating that

(a) the record requested by the applicant may contain information the disclosure of which would affect the interests or invade the personal privacy of a third party, and

(b) the third party is being given an opportunity to make representations concerning disclosure.

Time limit and notice of decision

24(1) Within 90 days after notice is given pursuant to section 23(1), the head of the public body must decide whether or not to give access to the record or to part of the record, but no decision may be made before the earlier of

(a) 61 days after the day notice is given, or

(b) the day a response is received from the third party.

(2) On reaching a decision under subsection (1), the head of the public body must give written notice of the decision, including reasons for the decision, to the applicant and the third party.

(3) If the head of the public body decides to give access to the record or part of the record, the notice must state that the applicant will be given access unless the third party asks for a review under section 26 within 30 days after the day notice is given under subsection (2).

(4) If the head of the public body decides not to give access to the record or part of the record, the notice must state that the applicant may ask for a review under section 26 within 30 days after the day notice is given under subsection (2).

Division 4 Review and Appeal

Definition

25 In this Division, “Court” means the Court of Queen’s Bench.

Review by Commissioner

Right to ask for a review

26(1) A person who makes a request to the head of a public body for access to a record or for correction of personal information may

ask the Commissioner to review any decision, act or failure to act of the head that relates to that request.

(2) A third party may ask the Commissioner to review a decision under section 24 to give access to a record or part of a record that affects the interests or invades the personal privacy of the third party.

How to ask for a review

27(1) To ask for a review by the Commissioner, a written request must be delivered to the Commissioner.

(2) A request for a review of a decision of the head of a public body must be delivered within 30 days after the person asking for the review is given notice of the decision.

Notifying others of review

28 On receiving a request for a review, the Commissioner must give a copy to the head of the public body concerned and

(a) the applicant, if a third party asked for the review, or

(b) a third party whose interests may be affected under section 11 or whose personal privacy may be invaded by the disclosure under section 12, if the applicant asked for the review.

Review by Commissioner

29(1) The Commissioner must conduct a review and may decide all questions of fact and law arising in the course of the review.

(2) Despite subsection (1), the Commissioner may refuse to conduct a review or may discontinue a review if, in the opinion of the Commissioner, the request for a review

(a) is frivolous or vexatious,

(b) is not made in good faith,

(c) concerns a trivial matter, or

(d) amounts to an abuse of the right to access.

(3) Except when a review is not conducted or is discontinued under subsection (2), a review must be completed within 180 days after the receipt by the Commissioner of the request for the review.

Conduct of review

30(1) Every review must be conducted in private.

(2) The person who asked for the review, the head of the public body concerned and any other person given a copy of the request for a review under section 28(a) or (b) must be given an opportunity to make representations to the Commissioner during the review.

(3) No one is entitled as of right to be present during a review or

(a) to have access to, or

(b) to comment on,

representations made to the Commissioner by any other person.

Duty to establish evidence

31(1) At a review of a decision to refuse an applicant access to all or part of a record, it is up to the head of the public body to establish that the applicant has no right of access to the record or part.

(2) At a review of a decision to refuse an applicant access to all or part of a record that contains personal information about a third party, it is up to the applicant to establish that disclosure of the information would not be contrary to this Act or the regulations.

(3) At a review of a decision to give an applicant access to all or part of a record containing information that relates to a third party,

(a) in the case of personal information, it is up to the applicant to establish that disclosure of the information would not be contrary to this Act or the regulations, and

(b) in any other case, it is up to the third party to establish that the applicant has no right of access under this Act to the record or part.

Power of Commissioner

32 Despite any other Act or any privilege available at law, the Commissioner may, after receiving a request for a review, require the production of and examine any record to which this Act applies that is in the custody or under the control of the public body concerned.

Commissioner to report

33 On completing a review, the Commissioner must

(a) prepare a written report setting out the Commissioner's recommendations with respect to the matter and the reasons for the recommendations, and

- (b) send a copy of the report to the person who asked for the review, the head of the public body concerned and any other person given a copy of the request for a review under section 28(a) or (b).

Decision of head

34 Within 30 days after receiving the report of the Commissioner, the head of the public body concerned must

- (a) make a decision to follow the recommendation of the Commissioner or make any other decision the head considers appropriate, and
- (b) give written notice of the decision to the Commissioner, the person who asked for the review and any other person given a copy of the request for a review under section 28(a) or (b).

Appeal to Court of Queen's Bench

Appeal procedure

35(1) An applicant or third party may appeal a decision of a head made under section 34 to the Court by originating notice, which must be served on the head within 30 days of the date the appellant receives the written notice of the decision.

(2) A head who has refused an application for access to a record or part of a record must, as soon as is reasonably practicable after receipt of the originating notice, give written notice of the appeal to any third party to whom a report was sent pursuant to section 33(b).

(3) A head who has granted an application for access to a record or part of a record must, as soon as is reasonably practicable after receipt of the originating notice, give written notice of the appeal to the applicant.

(4) An applicant or a third party who has been given notice of an appeal under this section may appear as a party to the appeal.

(5) The Commissioner is not a party to an appeal.

Powers of Court on appeal

36(1) On an appeal, the Court must make its own determination of the matter and may examine in private any record to which this Act applies in order to determine on the merits whether the information in the record may be withheld pursuant to this Act.

(2) Section 31 applies to proceedings on an appeal.

(3) The Court must take every reasonable precaution, including, where appropriate, receiving representations without notice to others and conducting hearings in private, to avoid disclosure by the Court or any person of

(a) any information or other material if the nature of the information or material could justify a refusal by a head to give access to a record or part of a record, or

(b) any information as to whether a record exists if the head, in refusing to give access, does not indicate whether the record exists.

(4) The Court may disclose to the Minister of Justice and Attorney General information that relates to the commission of an offence if, in the opinion of the Court, there is evidence of the commission of the offence.

Decisions of
Court

37(1) If the Court determines that, under this Act, the head of a public body is required to give access to a record or part of it, the Court must order the head to give the applicant access to the record or the part of it, subject to any conditions the Court considers appropriate.

(2) If the Court determines that, under this Act, the head of a public body is required to refuse access to a record or part of it, the Court must order the head not to give access to the record or the part of it.

PART 2

PROTECTION OF PRIVACY

Division 1

Collection of Personal Information

Purpose of
collection of
information

38 No personal information may be collected by or for a public body unless

(a) the collection of the information is expressly authorized by an Act or a regulation under an Act,

(b) the information is collected for the purposes of law enforcement, or

(c) the information relates directly to and is necessary for an existing program or activity of the public body or for a proposed program or activity where collection of the

information has been approved by the head in consultation with the Executive Council.

Manner of collection of information

39(1) A public body must, where reasonably practicable, collect personal information directly from the individual the information is about unless

- (a) another method of collection is authorized by
 - (i) that individual, or
 - (ii) another Act or a regulation under another Act,
- (b) the information may be disclosed to the public body under Division 3 of this Part,
- (c) the information is collected for the purpose of law enforcement,
- (d) the information is collected for the purpose of collecting a fine or a debt owed to the Government of Alberta or a public body,
- (e) the information concerns the history, release or supervision of an individual under the control or supervision of a correctional authority,
- (f) the information is collected for the purpose of providing legal services,
- (g) the information
 - (i) is necessary in order to determine the eligibility of an individual to participate in a program of or receive a benefit, product or service from the Government of Alberta or a public body and is collected in the course of processing an application made by or on behalf of the individual the information is about, or
 - (ii) is necessary in order to verify the eligibility of an individual who is participating in a program of or receiving a benefit, product or service from the Government of Alberta or a public body and is collected for that purpose,
- (h) the information is collected for the purpose of informing the Public Trustee about potential clients,

- (i) the information is collected for the purpose of enforcing a maintenance order under the *Maintenance Enforcement Act*, or
- (j) the information is collected for the purpose of managing or administering personnel of the Government of Alberta or a public body.

(2) A public body that collects personal information that is required by subsection (1) to be collected directly from the individual the information is about must inform the individual of

- (a) the purpose for which the information is collected, and
- (b) the specific legal authority for the collection,

unless the regulations provide that this subsection does not apply to that type of information.

(3) Subsections (1) and (2) do not apply if, in the opinion of the head of the public body concerned, compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.

Protection of personal information

40 The head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

Division 2 Use of Personal Information

Use of personal information

41 A public body may use personal information only

- (a) for the purpose for which that information was collected or compiled, or for a use consistent with that purpose,
- (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use, or
- (c) for a purpose for which that information may be disclosed to that public body under Division 3 of this Part.

Duties of a public body

42 If a public body uses an individual's personal information to make a decision that directly affects the individual, the public body must

- (a) retain the information for at least one year after using it so that the individual has a reasonable opportunity of obtaining access to it, and
- (b) make every reasonable effort to ensure that the information is accurate and complete.

Right of correction

43(1) An individual who believes there is an error or omission in his or her personal information may request the head of the public body that has the information in its custody or under its control to correct the information.

(2) If a correction is not made in response to a request under subsection (1), the head of the public body must make a note of the requested correction on or cross-referenced to the information to which it relates.

(3) Within 30 days after the request is received, the head must give written notice to the individual that

- (a) the correction has been made, or
- (b) a notation pursuant to subsection (2) has been made.

(4) Section 9 applies to the period set out in subsection (3).

Division 3 Disclosure of Personal Information

Disclosure in accordance with Part 1 or this Division

44 A public body may disclose personal information only

- (a) in accordance with Part 1, or
- (b) in accordance with this Division.

When personal information may be disclosed

45 A public body may disclose personal information

- (a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,
- (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to its disclosure,
- (c) for the purpose of enforcing a legal right that the Government of Alberta or a public body has against any person,

- (d) for the purpose of collecting a fine or debt owing to, or making a payment owing by, the Government of Alberta or a public body,
- (e) to a public body or a law enforcement agency for law enforcement purposes,
- (f) when disclosure is by the Minister of Justice and Attorney General or an agent or lawyer of the Minister of Justice and Attorney General to a place of lawful detention,
- (g) for the purpose of managing or administering personnel of the Government of Alberta or a public body,
- (h) to the Director of Maintenance Enforcement for the purpose of enforcing a maintenance order under the *Maintenance Enforcement Act*,
- (i) to the Commissioner, the Ombudsman or the Ethics Commissioner, if the information is necessary for the performance of the duties of that officer,
- (j) to the Auditor General, or to any other prescribed person, for audit purposes,
- (k) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer or employee or the member of the Executive Council,
- (l) for use in the provision of legal services to the Government of Alberta or a public body,
- (m) to the Provincial Archives of Alberta for archival purposes,
- (n) for the purpose of complying with a subpoena or warrant issued or an order made by a court, person or body that has the authority to compel the production of information or with a rule of court that relates to the production of information,
- (o) for the purpose of supervising an individual under the control or supervision of a correctional authority,
- (p) for the purpose of complying with a law of Alberta or Canada or with a treaty, written agreement or arrangement made under a law of Alberta or Canada,
- (q) when necessary to protect the mental or physical health or safety of any individual,

- (r) so that the next of kin of an injured, ill or deceased individual may be contacted,
- (s) for any purpose when, in the opinion of the head,
 - (i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or
 - (ii) disclosure would clearly benefit the individual to whom the information relates,
- (t) when the information is available to the public,
- (u) for any purpose in accordance with any Act that authorizes or requires the disclosure, or
- (v) to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem.

Disclosure for research

46 A public body may disclose personal information for a research purpose, including statistical research, only if

- (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form,
- (b) any record linkage resulting from the disclosure is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest,
- (c) the head of the public body concerned has approved conditions relating to the following:
 - (i) security and confidentiality;
 - (ii) the removal or destruction of individual identifiers at the earliest reasonable time;
 - (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body,

and

- (d) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, this

Act and any of the public body's policies and procedures relating to the confidentiality of personal information.

PART 3

GENERAL

Fees

47(1) The head of a public body may require an applicant who makes a request under section 5 to pay to the public body fees for services as provided for in the regulations.

(2) If an applicant is required to pay fees for services, the public body must give the applicant an estimate of the total fee before providing the services.

Manner of giving notice

48 Where this Act requires notice to be given to a person, it is to be given

- (a) by sending it to that person by prepaid mail to the last known address of that person,
- (b) by personal service, or
- (c) by substitutional service if so authorized by the Commissioner.

Exercise of rights by other persons

49(1) Any right or power conferred on an individual by this Act may be exercised

- (a) if the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate,
- (b) if a guardian or trustee has been appointed for the individual under the *Dependent Adults Act*, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee,
- (c) if a power of attorney has been granted by the individual, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney,
- (d) if the individual is a minor, by a guardian of the minor in circumstances where, in the opinion of the head of the public body concerned, the exercise of the right or power by the guardian would not constitute an unreasonable invasion of the privacy of the minor, or

(e) by any person with written authorization from the individual to act on the individual's behalf.

(2) Any notice required to be given to an individual under this Act may be given to the person entitled to exercise the individual's rights or powers referred to in subsection (1).

Power to authorize a public body to disregard requests

50 If the head of a public body asks, the Commissioner may authorize the public body to disregard requests under section 5 that

- (a) are frivolous or vexatious,
- (b) are not made in good faith,
- (c) concern a trivial matter,
- (d) amount to an abuse of the right to access, or
- (e) because of their repetitious or systematic nature, would unreasonably interfere with the operations of the public body.

Proceedings prohibited

51 No action lies against the Government of Alberta, a public body or the head or an officer or employee of a public body for

- (a) the giving or withholding, in good faith, of any information pursuant to this Act or any consequences that flow from the giving or withholding of that information, or
- (b) the failure to give any notice required pursuant to this Act if reasonable care is taken to give the required notice.

Proceedings involving Commissioner prohibited

52(1) No action lies against the Commissioner or a former Commissioner or any other person who is or was employed or engaged by the Office of the Information and Privacy Commissioner for anything done in good faith under this Act.

(2) No action lies against a person who in good faith provides information or gives evidence in a proceeding under Division 4 of Part 1 to the Commissioner or to a person employed or engaged by the Office of the Information and Privacy Commissioner.

Confidentiality

53(1) The Commissioner must not disclose any information that comes to the knowledge of the Commissioner in the exercise of the powers, performance of the duties or carrying out of the functions of the Commissioner under this Act.

(2) Subsection (1) applies, with any necessary modification, to persons employed or engaged by the Office of the Information and Privacy Commissioner.

(3) Despite subsection (1), the Commissioner may disclose

(a) in the course of a review, any matter that the Commissioner considers necessary to disclose to facilitate the review, and

(b) in a report prepared pursuant to this Act, any matter that the Commissioner considers necessary to disclose to establish grounds for the findings and recommendations in the report.

(4) When making a disclosure pursuant to subsection (3), the Commissioner must not disclose

(a) any information or other material if the nature of the information or material could justify a refusal by the head of a public body to give access to a record or part of a record, or

(b) any information about whether a record exists if the head, in refusing to give access, has not indicated whether the record exists.

(5) Despite subsection (1), the Commissioner may disclose to the Minister of Justice and Attorney General information that relates to the commission of an offence if, in the opinion of the Commissioner, there is evidence of the commission of the offence.

Non-
compellability

54(1) The Commissioner may not be compelled to give evidence in a court or in a proceeding of a judicial nature concerning any information that comes to the knowledge of the Commissioner in the exercise of the powers, performance of the duties or carrying out of the functions of the Commissioner under this Act.

(2) Subsection (1) applies, with any necessary modification, to persons employed or engaged by the Office of the Information and Privacy Commissioner.

Immunity from
prosecution

55 No person is liable to prosecution for an offence under any Act or regulation by reason only of that person's compliance with a requirement or recommendation of the Commissioner pursuant to this Act.

- Offences
- 56(1)** Every person who knowingly collects, uses or discloses personal information in contravention of this Act or the regulations commits an offence and is liable to a fine of not more than \$5000.
- (2) Every person who wilfully
- (a) obstructs the Commissioner or any other person in the performance of the powers, duties or functions of the Commissioner or other person under this Act,
 - (b) fails to comply with any lawful requirement of the Commissioner or any other person under this Act, or
 - (c) makes any false statement to, or misleads or attempts to mislead, the Commissioner or any other person in the performance of the powers, duties or functions of the Commissioner or other person under this Act,
- commits an offence and is liable to a fine of not more than \$5000.

Role of Ombudsman

57 The Ombudsman may not investigate any matter that the Commissioner has the power to review under this Act.

Crown bound

58 The Crown in right of Alberta is bound by this Act.

PART 4

ADMINISTRATION

Definition

59 In this Part, “Standing Committee” means the Standing Committee on Legislative Offices of the Legislative Assembly.

Division 1 Information and Privacy Commissioner

Appointment of Commissioner

60(1) The Lieutenant Governor in Council, on the recommendation of the Legislative Assembly, must appoint an Information and Privacy Commissioner to carry out the duties and functions set out in this Act.

(2) The Commissioner is an officer of the Legislature.

(3) The Commissioner may not be a member of the Legislative Assembly.

Term of office **61(1)** Except as provided for in section 62, the Commissioner holds office for a term of 5 years.

(2) A person holding office as Commissioner continues to hold office after the expiry of that person's term of office until that person is reappointed, a successor is appointed or a period of 6 months has expired, whichever occurs first.

(3) A person is eligible for re-appointment as Commissioner.

Resignation, removal or suspension of Commissioner **62(1)** The Commissioner may resign at any time by notifying the Speaker of the Legislative Assembly or, if there is no Speaker or the Speaker is absent from Alberta, by notifying the Clerk of the Legislative Assembly.

(2) The Lieutenant Governor in Council must remove the Commissioner from office or suspend the Commissioner for cause or incapacity on the recommendation of the Legislative Assembly.

(3) If the Legislative Assembly is not sitting, the Lieutenant Governor in Council may suspend the Commissioner for cause or incapacity on the recommendation of the Standing Committee.

Acting Commissioner **63(1)** The Lieutenant Governor in Council, on the recommendation of the Standing Committee, may appoint an acting Commissioner if

(a) the office of Commissioner is or becomes vacant when the Legislative Assembly is not sitting,

(b) the Commissioner is suspended when the Legislative Assembly is not sitting, or

(c) the Commissioner is removed or suspended or the office of the Commissioner becomes vacant when the Legislative Assembly is sitting, but no recommendation is made by the Assembly under section 60(1) before the end of the session.

(2) The Lieutenant Governor in Council may appoint an acting Commissioner if the Commissioner is temporarily absent because of illness or for another reason.

(3) An acting Commissioner holds office until

(a) a person is appointed under section 60(1),

(b) the suspension of the Commissioner ends, or

(c) the Commissioner returns to office after a temporary absence,

whichever is the case and whichever occurs first.

Remuneration **64** The Commissioner must be remunerated as determined by the Standing Committee, and it must review that remuneration at least once a year.

Oath **65(1)** Before beginning the duties of office, the Commissioner must take an oath to faithfully and impartially perform the duties of the office and not to disclose any information received by the Office of the Information and Privacy Commissioner under this Act except as provided in this Act.

(2) The oath must be administered by the Speaker of the Legislative Assembly or the Clerk of the Legislative Assembly.

Office of the Commissioner **66(1)** There may be a part of the public service of Alberta called the Office of the Information and Privacy Commissioner consisting of the Commissioner and those persons employed pursuant to the *Public Service Act* that are necessary to assist the Commissioner in carrying out the Commissioner's duties and functions under this or any other enactment.

(2) The Commissioner may engage the services of any persons necessary to assist the Commissioner in carrying out the Commissioner's duties and functions.

(3) On the recommendation of the Commissioner, the Standing Committee may order that

(a) any regulation, order or directive made under the *Financial Administration Act*, or

(b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*,

does not apply to, or is varied in respect of, the Office of the Information and Privacy Commissioner or any particular employee or class of employees in the Office.

(4) An order made under subsection (3)(a) operates despite section 2 of the *Financial Administration Act*.

(5) The *Regulations Act* does not apply to orders made under subsection (3).

(6) The chair of the Standing Committee must lay a copy of each order made under subsection (3) before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the start of the next sitting.

(7) Every person employed or engaged by the Office of the Information and Privacy Commissioner must, before beginning to perform duties under this Act, take an oath, to be administered by the Commissioner, not to disclose any information received by that person under this Act except as provided in this Act.

Financing of operations

67(1) The Commissioner must submit to the Standing Committee in respect of each fiscal year an estimate of the public money that will be required to be provided by the Legislature to defray the several charges and expenses of the Office of the Information and Privacy Commissioner in that fiscal year.

(2) The Standing Committee must review each estimate submitted pursuant to subsection (1) and, on the completion of the review, the chair of the Committee must transmit the estimate to the Provincial Treasurer for presentation to the Legislative Assembly.

Delegation by Commissioner

68(1) The Commissioner may delegate to any person any duty, power or function of the Commissioner under this Act, except

- (a) the power to delegate under this section,
- (b) the power to examine information described in section 15, and
- (c) the duties and powers specified in sections 29, 48(c) and 50.

(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the Commissioner considers appropriate.

General powers of Commissioner

69 The Commissioner may

- (a) engage in or commission research into matters affecting the carrying out of the purposes of this Act,
- (b) receive representations about the operation of this Act, and
- (c) offer comment on the implications for privacy protection of proposed legislative schemes or government programs.

Annual report **70(1)** The Commissioner must prepare and submit an annual report to the Speaker of the Legislative Assembly, and the Speaker must lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the start of the next sitting.

(2) The annual report of the Commissioner must provide details of the activities of the office in relation to the Commissioner's responsibilities pursuant to this Act during that year, including information concerning any instances where the Commissioner's recommendations made after a review have not been followed and any recommendations made under section 69.

Division 2 Other Matters

Authorization **71(1)** The head of a public body may authorize any person to exercise a power or perform a duty of the head under this Act,

(a) including the power to form a belief about something or make other determinations with respect to matters coming under this Act, but

(b) not including the power to authorize another person to exercise or perform any of the head's powers and duties under this Act.

(2) An authorization pursuant to subsection (1) must be in writing and may contain any limitations, restrictions, conditions or requirements that the head considers necessary.

(3) A reference to the head of a public body in this Act or the regulations includes a person authorized by a head under this section.

Directory of public bodies and records **72(1)** The Minister must have produced, and updated as reasonably required, a directory containing

(a) a list of all public bodies,

(b) a general description of the categories of records in the custody or under the control of each public body, and

(c) the title and address of the appropriate person for each public body to whom requests for access to records should be sent.

(2) A copy of the directory must be made available at any place that the Minister considers appropriate.

Access to
manuals

73(1) Within 2 years after this section comes into force, the head of every public body must provide facilities at

- (a) the headquarters of the public body, and
- (b) any offices of the public body that, in the opinion of the head, are reasonably practicable,

where the public may inspect any manual, handbook or other guideline used in decision-making processes that affect the public by employees of the public body in administering or carrying out programs or activities of the public body.

(2) Any information in a record that the head of a public body would be authorized to refuse to give access to pursuant to this Act may be excluded from the manuals, handbooks or guidelines that may be inspected pursuant to subsection (1).

Regulations

74 The Lieutenant Governor in Council may make regulations

- (a) designating agencies, boards, commissions, corporations, officers or other bodies as public bodies;
- (b) designating the head of a public body that is not a department, branch or office of the Government of Alberta;
- (c) prescribing procedures to be followed in making, transferring and responding to requests under this Act;
- (d) respecting fees to be paid under this Act and providing for circumstances when fees may be waived in whole or in part;
- (e) authorizing the disclosure of information relating to the mental or physical health of individuals to medical or other experts to determine, for the purposes of section 13, if disclosure of that information could reasonably be expected to threaten the mental or physical health or safety of those individuals;
- (f) prescribing procedures to be followed or restrictions considered necessary with respect to the disclosure and examination of information referred to in clause (e);
- (g) prescribing special procedures for giving individuals access to personal information about their physical or mental health and regulating the way in which that access is given;

- (h) providing that other Acts or regulations, or any provisions of them, prevail despite this Act;
- (i) exempting any information or category of information from the application of section 39(2);
- (j) prescribing ways in which an individual may give consent;
- (k) prescribing persons to whom personal information may be disclosed for audit purposes for the purposes of section 45(j);
- (l) respecting any matter that is to be included in a notice required by this Act;
- (m) prescribing forms for the purposes of this Act;
- (n) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (o) defining, enlarging or restricting the meaning of any term used in this Act but not defined in this Act;
- (p) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART 5

CONSEQUENTIAL AND COMMENCEMENT

Amends
RSA 1980
cA-49

75 *The Auditor General Act is amended in section 1(c) by striking out “and” at the end of subclause (iii), by adding “and” at the end of subclause (iv) and by adding the following after subclause (iv):*

- (v) the Information and Privacy Commissioner and the staff of the Office of the Information and Privacy Commissioner;

Amends SA
1991 cC-22.1

76 *The Conflicts of Interest Act is amended in Part 2 of the Schedule by adding the following:*

5. The Information and Privacy Commissioner

Amends SA
1983 cD-25.1

77 *The Department of Public Works, Supply and Services Act is amended by repealing section 21(2)(c).*

78 *The Financial Administration Act is amended*

(a) *in section 1(1)(c) by striking out “and” at the end of subclause (vii), by adding “and” at the end of subclause (viii) and by adding the following after subclause (viii):*

(ix) the Office of the Information and Privacy Commissioner;

(b) *in section 2(1) by adding “, the Access to Information and Protection of Privacy Act” after “Alberta Bill of Rights”;*

(c) *in section 33(1)*

(i) *in clause (b) by striking out “and” at the end of subclause (iv), by adding “and” at the end of subclause (v) and by adding the following after subclause (v):*

(vi) the Office of the Information and Privacy Commissioner;

(ii) *in clause (c) by striking out “and” at the end of subclause (iv), by adding “and” at the end of subclause (v) and by adding the following after subclause (v):*

(vi) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner;

(iii) *in clause (d) by striking out “and” at the end of subclause (iv), by adding “and” at the end of subclause (v) and by adding the following after subclause (v):*

(vi) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner;

79 *The Public Service Act is amended in section 1*

(a) *in clause (c) by adding the following after subclause (iv.1):*

(iv.2) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner,

(b) *in clause (d) by adding the following after subclause (iv.1):*

(iv.2) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner,

Coming into
force

80 *This Act, except section 3(2), comes into force on Proclamation.*

(iv) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner;

(b) in section 11(1) by adding the following after subsection (iv):

(v) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner;

(c) in section 11(2) by adding the following after subsection (iv):

(v) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner;

(d) in section 11(3)

(i) in clause (b) by striking out "and" at the end of subsection (iv), by adding "and" at the end of subsection (v) and by adding the following after subsection (v):

(vi) the Information and Privacy Commissioner;

(ii) in clause (c) by striking out "and" at the end of subsection (iv), by adding "and" at the end of subsection (v) and by adding the following after subsection (v):

(vi) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner;

(iii) in clause (d) by striking out "and" at the end of subsection (iv), by adding "and" at the end of subsection (v) and by adding the following after subsection (v):

(vi) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner;

28. The Public Service Act is amended in section 1

(a) in clause (c) by adding the following after subsection (iv):

(v) the Information and Privacy Commissioner with respect to the Office of the Information and Privacy Commissioner;

(b) in clause (d) by adding the following after subsection (iv):



3 3286 50163 6274